

MAY 18 2003 #50  
googa

TECH CENTER PTO/SB/2003

Approved for use through 04/03/2000; OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB-control number.

## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

 DUPLICATE

Address to:  Mail Stop CPA Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No. of Prior Application	ALX-20 (109488-128)
	First Named Inventor	YI WANG et al.
	Examiner Name	GAMBEL, Phillip
	Art Unit	1644
	Express Mail Label No.	

This is a request for a  continuation or  Divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 08 / 867,612

filed on 2 June 1997, entitled Methods for the Treatment of Inflammatory Joint Disease etc.

### NOTES

**Filing Qualifications:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.52(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1.  Enter the unentered amendment previously filed on 17 March 2003  
Under 37 CFR 1.116 in the prior nonprovisional application.
2.  A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventor(s) named in the prior application, 37 CFR 1.53(d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:  
  
\_\_\_\_\_  
  
b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent (PTO/SB/81) is enclosed. 05/16/2003 KARMEEDI 00000045 000219 0885762
5. Information Disclosure Statement (IDS) is enclosed;
  - a.  PTO-1449 01 FC:1006 750.00 CH
  - b.  Copies of IDS Citations 02 FC:1202 216.00 CH

Page 1 of 2

This collection of information is required by 37 CFR 1.53(d). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 24 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop CPA, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (i))	32 -20* =	12	x \$ 18.00 =	\$ 216.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	2 -3** =	0	x \$ .00 =	.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ .00 =	.00
				BASIC FEE (37 CFR 1.16)	750.00
			Total of above Calculations =	\$ 966.00	
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				.00
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.			TOTAL =	\$ 966.00

6.  Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 08 - 0219:
- a.  Fees required under 37 CFR 1.16.
  - b.  Fees required under 37 CFR 1.17.
  - c.  Fees required under 37 CFR 1.18.
8.  A check in the amount of \$ \_\_\_\_\_ is enclosed.
9.  Payment by credit card. Form PTO-2038 is attached.
10.  Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11.  New Attorney Docket Number, if desired ALX-20 FWC (109488.128)  
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a.  Receipt For Facsimile Transmitted CPA (PTO/SB/29A)  
 b.  Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13.  Other: .....

**NOTE:** The prior application's correspondence address will carry over to this CPA  
 UNLESS a new correspondence address is provided below.

**14. NEW CORRESPONDENCE ADDRESS** Customer Number or Bar Code Labelor  New correspondence address below

(Insert Customer No. or Attach bar code label here)

<i>Name</i>					
	Mark Farber, Esq.				
<i>Address</i>	Alexion Pharmaceuticals, Inc.				
	352 Knotter Drive				
<i>City</i>	Cheshire	<i>State</i>	CT	<i>Zip Code</i>	06410
<i>Country</i>	USA	<i>Telephone</i>	(203) 272-2596		<i>Fax</i> (203) 271-8195

**15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type) Tamera M. Pertmer, Ph.D.

Signature 

Registration No. (Attorney/Agent) 47,856

Date 05/14/03



**HALE AND DORR LLP**  
COUNSELORS AT LAW

haledorr.c m

THE WILLARD OFFICE BUILDING  
1455 PENNSYLVANIA AVENUE, N.W. • WASHINGTON, D.C. 20004-1008  
202-942-8400 • FAX 202-942-8484

*RECEIVED*  
MAY 18 2003  
1644

TECH CENTER 1600/2900

TAMERA M. PERTMER, PH.D.

202-942-8332  
tamera.pertmer@haledorr.com

14 May 2003

United States Patent  
and Trademark Office  
Washington, DC 20031

ATTN: Examiner P. Gambel

Re: Applicant: YI WANG et al.  
Serial No.: 08/867,612  
For: METHODS FOR THE TREATMENT OF INFLAMMATORY  
JOINT DISEASE USING C5 ANTIBODIES  
Our Ref: ALX-20 FWC (109488.128)

Dear Sir:

Enclosed herewith for appropriate action by the United States Patent and Trademark Office are the following documents:

- Transmittal Letter;
- Continued Prosecution Application (CPA) Request Transmittal;
- postcard evidencing the same.

The Commissioner is hereby authorized to deduct fees in the amount of \$966.00 from PTO Deposit Account No. 08-0219. Applicants are submitting this CPA within two months of filing the Notice of Appeal on March 17, 2003. Thus, no additional fees are due. However, if there are any other fees due in connection with the filing of this CPA, please charge the fees to Deposit Account No. 08-0219. Also please charge any fees underpaid or credit any fees overpaid to the same Deposit Account.

Respectfully submitted,

  
Tamera M. Pertmer, Ph.D.  
Agent for Applicant  
Reg. No. 47,856